

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**RYAN McNEAL**

**v.**

**MARKUM ENTERPRISES, LLC, d/b/a  
FLOOR REMOVAL KING, d/b/a  
FLOOD OUT RESTORATION, *et al.***

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**CIVIL ACTION NO. 6:16cv1118**


**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the case, has been presented for consideration. The Report and Recommendation (Docket No. 78), filed on February 28, 2018, recommends that Defendant McWhiney & Markum, LLC's Motion for Summary Judgment (Docket No. 56) and Defendants' Motion for Summary Judgment (Docket No. 57) filed by Markum Enterprises, LLC and Wesley G. Markum be granted. No objections to the Report and Recommendation have been filed. The Court agrees with the Magistrate Judge that Plaintiff has failed to establish that McWhiney & Markum, LLC was his employer and failed to establish enterprise coverage with respect to the claims against Markum Enterprises, LLC and Wesley G. Markum. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is

**ORDERED** that Defendant McWhiney & Markum, LLC's Motion for Summary Judgment (Docket No. 56) and Defendants' Motion for Summary Judgment (Docket No. 57) filed by Markum Enterprises, LLC and Wesley G. Markum are **GRANTED**.

The complaint is **DISMISSED** with prejudice. Any motion not previously ruled on is **DENIED**.

**SIGNED this 21st day of March, 2018.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE